

REMARKS

Claim 1 has been amended in order to more particularly point out and distinctly claim the Applicants' invention. Accordingly, claims 1-9 remain for consideration in this application, claims 10 and 13-17 having been allowed.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japan '495 in view of Ferguson.

With regard to the above rejection, the Office Action refers to the phrase "regardless of a steered angle" as follows:

Re "regardless of a steered angle", such fails to define any specific structure and/or arrangement so as to define over Japan '495, as such is not a positive recitation of any or all angles, merely some arbitrary angle.

Accordingly, claim 1 has been amended in order to clarify and positively recite the relationship set forth therein. The last paragraph of claim 1 now reads as follows:

a swivel case rotatably accommodating the swivel shaft, the swivel case being formed with a recess having a box-like shape to accommodate the actuator therein in such a manner that the actuator does not project outside a profile of the outboard motor for all possible steered angles of the outboard motor, wherein said profile is obtained by looking down the outboard motor from above in the vertical direction. (Emphasis supplied.)

Thus, the text has been amended as set forth above to positively recite that the actuator does not project outside of a profile of the outboard motor, "for all possible steered angles of the outboard motor". This is a positive recitation of the language objected to in the Office Action. Thus, claim 1, as amended, clearly defines over Japan '495 as clearly set forth in Applicants' previous response dated July 29, 2005 on page 8. Accordingly, it is submitted that claim 1, as amended,

now overcomes the rejection as being unpatentable over Japan '495 in view of Ferguson. Further, claims 2 and 3 are dependent from claim 1 and limited to the additional features set forth therein. Accordingly, it is submitted that claims 1-3 are patentable over Japan '495 in view of Ferguson. Thus, it is respectfully requested that the above rejection be withdrawn.

Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japan '495 in view of Ferguson, as applied to claim 1, and further in view of Kanno.

Accordingly, since claims 4 and 5 are dependent from claim 1 and limited to the additional features therein, these claims are allowable since claim 1 is allowable.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Japan '495 in view of Ferguson and Kanno, as applied to claim 5, and further in view of Alsobrooks.

Accordingly, since claim 6 is dependent from claim 1 and limited to the additional features set forth therein, since claim 1 is allowable, so will claim 6.

Claims 8 and 9 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Japan '495 in view of Ferguson, as applied to claim 1, and further in view of Kazuyoshi.

Claims 8 and 9 are dependent, either directly or indirectly from claim 1, and limited to the additional features set forth therein. Accordingly, since claim 1 is allowable, claims 8 and 9 will also be allowable.

Applicants wish to thank the Examiner for the indication that claim 7 is allowable and that claims 10 and 13-17 are allowed.

In view of the amendments to claim 1, and the remarks set forth above distinguishing claim 1 from the cited references, Applicants submit that the rejections and objection have been

Application No. 10/780,065
Group Art Unit: 3617

Amendment under 37 C.F.R. §1.116
Attorney Docket No.: 042093

overcome. Accordingly, it is respectfully requested that the rejections and objection be withdrawn and that claims 1-9 be allowed in addition to claims 10 and 13-17 previously allowed.

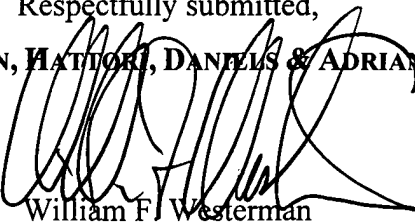
CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



William F. Westerman
Attorney for Applicants
Registration No. 29,988
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

WFW/dlt